

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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STEVEN D. IRVIN,

Plaintiff(s),

v.

CATHERINE C. MASTO, et al.,

Defendant(s).

Case No. 2:15-CV-2002 JCM (GWF)

ORDER

Presently before the court are *pro se* plaintiff Steven D. Irvin's *ex parte* motion for order to show cause and *ex parte* motion for temporary restraining order. (Doc. ## 3, 4). Also before the court is Mr. Irvin's motion or application to proceed in *forma pauperis* ("IFP"). (Doc. # 1). What is *not* before the court is a complaint.

On October 16, 2015, plaintiff filed an application to proceed in *forma pauperis*, opening the case at bar. On that same date, he filed the motions presently before the court. Plaintiff has asked the court to issue a temporary restraining order and an order to show cause for defendants' alleged violations of this court's order dated June 26, 2012, in the case of *ACLU v. Mastro, et al.*, No. 2:08-cv-00822-JCM-PAL. However, plaintiff has not filed a complaint.

Local Rule of Special Proceedings and Appeals ("LSR") 2-1 states that a "civil rights complaint filed by a person who is not represented by counsel shall be *on the form provided by this Court.*" *Id.* (emphasis added). The court has approved a nine-page form complaint for *pro se* plaintiffs to plead violations of their civil rights. Mr. Irvin has failed to submit a complaint of any kind. Thus, the court is unable to evaluate his claims for relief.

Plaintiff has submitted the affidavit required by 28 U.S.C. § 1915(a) to proceed IFP in this action; however, his application is incomplete. (*See* Doc. #1). Plaintiff did not answer each

1 question. In particular, he failed to specify the amount of money he has in cash or in a checking or
 2 savings account or specify an *appropriate* pay period applicable to his wages. Thus, the court
 3 cannot determine whether plaintiff qualifies for IFP status. The court will therefore deny plaintiff's
 4 IFP application without prejudice. Plaintiff will have thirty (30) days from the date that this order
 5 is entered to submit a new IFP application and complaint. Plaintiff's failure to comply with this
 6 order by: (a) submitting a complaint and a new IFP application or (b) submitting a complaint and
 7 paying the four hundred dollar (\$400.00) filing fee before the deadline may result in this case being
 8 dismissed.

9 Accordingly,

10 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that plaintiff Steven D.
 11 Irvin's application to proceed in *forma pauperis* be, and the same hereby is, DENIED without
 12 prejudice.

13 IT IS FURTHER ORDERED that plaintiff Steven D. Irvin's motion to show cause (doc. #
 14 3) be, and the same hereby is, DENIED without prejudice.

15 IT IS FURTHER ORDERED that plaintiff Steven D. Irvin's motion for a temporary
 16 restraining order (doc. # 4) be, and the same hereby is, DENIED without prejudice.

17 IT IS FURTHER ORDERED that:

- 18 1. The clerk of court shall mail plaintiff a blank IFP application for non-incarcerated
 19 litigants along with a civil rights complaint form and instructions.
- 20 2. Plaintiff shall have until on or before **30 days from the date of this order** in which
 21 to file a completed application and complaint.
- 22 3. Alternatively, plaintiff may file a complaint in proper form and pay the four hundred
 23 dollar (\$400.00) filing fee on or before **30 days from the date of this order**.

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- 1 4. Plaintiff's failure to comply with this order by both filing a complaint *and* either (a)
2 submitting a new IFP application or (b) paying the filing fee before the deadline may
3 result in this case being dismissed.

4 DATED October 19, 2015.

5 
6 UNITED STATES DISTRICT JUDGE